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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,328	02/15/2001	Kazuhiko Nobe	Q63117	3179

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11/27/2002

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EXAMINER

JONES, SCOTT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 11/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SD

Office Action Summary	Application No. 09/783,328	Applicant(s) NOBE ET AL.	
	Examiner Scott E. Jones	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on September 18, 2002 in which applicant amends claims 1, 5, 8, 10, 12, and 13, and responds to the claim rejections.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa et al. (E.P. 903,169 A2) in view of Olmedo (U.S. 6,174,170).

Sagawa et al. discloses a music action game machine wherein as the music game machine plays music, it simultaneously provides operation instructions to a player indicative of when to operate a game controller in time with the music. Sagawa et al. additionally discloses:

Regarding Claims 1-8, and 11-13:

- means to play music from a commercially available music CD (Abstract, Column 1, lines 26-31, Column 9, lines 37-46, Figure 6 (56), and Claim 1);
- operation timing data storage means for storing instructions for when a player should operate the controller to meet preprogrammed game criteria based on the music played from the commercially available music CD (Abstract, Column 1, lines 32-36, Column 3, lines 26-42, Column 8, line 46-Column 9, line 46, and Claim 1); and

- music game execution means to execute the game (Abstract, Column 1, lines 32-36, Column 3, lines 26-42, Column 8, line 46-Column 9, line 46, and Claim 1).

Regarding claims 1-8, and 11-13, Sagawa et al. seems to lack explicitly disclosing a judgment means for reading the recorded content of a commercially available music CD and determining whether the commercially available music CD is a predetermined commercially music CD based on the recorded content read.

Olmedo teaches of a method and apparatus for displaying text symbols on a display associated with audio reproduced from a recording disc such as in a Karaoke game. Like Sagawa, Olmedo plays music from a CD or other storage device and simultaneously provides operation instructions on a display (text of the song) in which a player is to sing. Olmedo seems to lack teaching of a player operating a controller to provide an input to the game based upon operation instructions provided to a player. However, one could argue that a player singing into a microphone provides the input to a controller for a Karaoke game machine to evaluate a player's performance. Regarding claims 1-8, and 11-13, Olmedo teaches of an embodiment wherein the text information of a song may be recorded on a storage medium that is separate and apart from the recording disc on which the audio of a song is stored. The controller senses/judges and identifies text character frames of lyrics for a particular song such that when a song is played text symbols representing the lyrics of the song are displayed on a display (Column 8, line 39-Column 10, line 67).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the features of Olmedo in Sagawa et al. One would be motivated to do so because a player would be given the flexibility to use a music CD from their

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personal home collection in which to play the game, given the textual information (operation instructions) is already in storage on the game machine.

4. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa et al. (E.P. 903,169 A2) in view of Olmedo (U.S. 6,174,170) and further in view of Ng (U.S. 6,328,570).

Sagawa et al. in view of Olmedo teaches that as discussed above with regards to Claims 1-8, and 11-13. Sagawa et al. in view of Olmedo seems to lack explicitly stating that music data is obtained from a music data distribution server via a communication network (Claims 9 and 10).

Ng teaches of a portable karaoke game unit wherein song and program data may be stored and retrieved from different sources. Ng, Sagawa et al., and Olmedo are analogous art because Ng teaches of a game that that utilizes music and operation timing instructions (lyrics to be sung by player at a particular time in the game). Regarding Claims 9 and 10, Ng teaches that data (song, lyrical, and image) can be downloaded from a variety of sources, one being from the Internet, for storage on a removable storage medium (CD-ROM).^(COLUMN 1, LINE 49 - COLUMN 2, LINE 5) ^{SET 11-22-02} It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the data acquisition feature of Ng in the combination of Sagawa et al. in view of Olmedo. One would be motivated to do so because it provides a game machine that is more flexible in the manner in which it may be used than existing systems.

Response to Arguments

5. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

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6. Applicant overcomes the rejections to claims 1-13 under 35 U.S.C. § 112, second paragraph, as being indefinite by amending the claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mankovitz '849, Stelovsky '692, and Terada '366 disclose karaoke type game systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

sej

November 22, 2002



VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700